



# Cascade County Zoning Board of Adjustment

## Application for Variance/Appeal

Cascade County Public Works Department  
Planning Division  
121 4<sup>th</sup> St No, STE 2H/I, Great Falls MT 59401  
Phone: 406-454-6905 Fax: 406-454-6919

**\$250.00 Non Refundable Application Fee**

**Payment:** Check (#) 32074 Cash

### OFFICE USE ONLY

Variance: X Appeal: \_\_\_\_\_

Date Application Received: 10/02/2019

Date of Zoning Board Decision: \_\_\_\_\_ Zoning Board Decision: \_\_\_\_\_

**Applicant/Agent:** Amelia Meckler, Crown Castle for T-Mobile **Mailing Address:** 1505 Westlake Ave N, #800, Seattle, WA 98109

Home Phone: \_\_\_\_\_ Work Phone: 206-336-2863 **Cell Phone:** 206-778-6872

**Owner(s) if different from applicant:** CREED MILES EVANS **Mailing Address:** PO BOX 1542 GREAT FALLS, MT, 59403

Home Phone: \_\_\_\_\_ Work Phone: \_\_\_\_\_ **Cell Phone:** \_\_\_\_\_

**Property Address:** 4511 31ST ST SW GREAT FALLS 59404 Sec 28 T 20 N R 3E

Lot(s) \_\_\_\_\_ Blk \_\_\_\_\_ **Geo Code:** 02-3015-28-1-02-01-0000 **Parcel #** 2483130

Please take notice that the undersigned was denied a permit and seeks a variance or an appeal of the Zoning

Administrator's decision related to the following activity: see attached

### FOR VARIANCE REQUEST ONLY (may attach documentation)

Indicate below or attach separate pages showing how your application meets the legal criteria for a variance. (A variance is authorized only for height, area, and size of structure, size of yards and open spaces, signage, landscaping, or as otherwise specifically provided for in the Cascade County Zoning Regulations. Establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of non-conformities in the zoning district or adjoining zoning districts.)

1) Explain how this variance request from the Cascade County Zoning Regulations will not be contrary to the public interest.

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2) Describe where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the regulations would result in unnecessary and undue hardship.

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3) The spirit of this Section would be observed and substantial justice done by granting this variance.

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**FOR APPEAL REQUEST ONLY** (may attach documentation)

Describe the alleged error in any order, requirement, decision, or determination made by the Zoning Administrator in the enforcement of these regulations.

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Owner/Applicant's Signature:  Date: 10/1/2019  
CROWN CASTLE for T-Mobile



1505 Westlake Ave N  
Seattle, WA 98109

Phone: (206) 336-2863  
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www.crowncastle.com

*In a cursory review of the proposal to extend the tower, it was anticipated that a variance application should accompany the conformance review request*

**Please take notice that the undersigned was denied a permit and seeks a variance or an appeal of the Zoning Administrator's decision related to the following activity:**

Eligible Facilities Request to extend the existing tower by 20'

**1) Explain how this variance request from the Cascade County Zoning Regulations will not be contrary to the public interest.**

This request to provide better wireless service to Cascade County is in the best interest of the community by providing improved technology access to all. The ability to have a choice of carriers that can provide comparable service is important to freedom of individual choice as well as to the spirit of consumer competition.

The installation will allow for an expansion of services available to the public. T-Mobile's network strength and coverage is vital to keeping the public connected in today's world.

This request has been reviewed by the FAA and determined to not be a hazard. The temporary use of a crane for the construction has also been reviewed by the FAA and approved up to 160'.

The Federal Order (Spectrum Act) this Eligible Facilities Request is being made under was implemented to better serve the public with increased wireless connectivity for personal, and importantly, emergency connectivity.

The proposed project does not "substantially change the physical dimensions" of the communications site, as defined in the Final Rule of p. 1269, Subpart CC (b)(7).

**2) Describe where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the regulations would result in unnecessary and undue hardship.**

The proposed increase in tower height will allow for the T-Mobile network in the subject coverage area. Any reduction in height would prohibit T-Mobile's installation on the subject site and cause a lapse or reduction in service. The variance request is to allow the height increase understanding that Cascade County code requires a setback of tower height+10% which cannot be met. The tower is already existing, so to move it to another location on the property to meet the setback would be a hardship.

Additionally, the height increase is allowed under the Federal Order which supersedes the local code.

**3) The spirit of this Section would be observed and substantial justice done by granting this variance.**

The Spectrum Act was implemented post 9-11 to ensure that wireless connectivity, especially in emergency situations, was available and kept up with the growing demand for carrier capacity.

A rigorous Structural Analysis has been performed and is included with this application to support that T-Mobile proposing to build this facility extension under the 2012 IBC as required by the State of Montana. This request adheres to the thresholds set forth in Section 6409(a) of the Federal Order, as addressed in the Conformance Application. Justice can only be done by granting this request.





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October 1, 2019

Cascade County Public Works Department  
Planning Division  
121 4th St No, STE 2H/I, Great Falls MT 59401

RE: Eligible Facilities Request to modify equipment on a communications tower located at:  
4511 SOUTHWEST 31ST STREET, GREAT FALLS, MT, 59404  
Crown Site Number: 858403 / Crown Site Name: ZOD\_ALLTEL\_MTGF\_GREATFALLSW  
Customer Site Number: MTO2279A / Application Number: 490281

Crown Castle USA Inc. ("Crown Castle") on behalf of T-Mobile West LLC ("T-Mobile") is submitting the attached Eligible Facilities Request application to add transmission equipment on a telecommunications tower located at 4511 SOUTHWEST 31ST STREET, GREAT FALLS, MT 59404 in COUNTY OF CASCADE, MT (the "ZOD\_ALLTEL\_MTGF\_GREATFALLSW Tower").

Section 6409 of the Middle Class Tax Relief and Job Creation Act of 2012, commonly known as the "Spectrum Act" (Pub. Law No. 112-96, 126 Stat 156), mandates that state and local governments "may not deny, and shall approve, any eligible facilities request for a modification of an existing wireless tower or base station that does not substantially change the physical dimensions of such tower or base station." Additionally, if "the reviewing State or local government determines that the application is incomplete" [they] "must provide written notice to the applicant within 30 days of receipt of the application, clearly and specifically delineating all missing documents or information." Under federal law, an Eligible Facilities Request is deemed granted with written notification in sixty (60) days after an application is filed with a local jurisdiction, excluding tolling. Based on the submittal date of October 2, 2019, 30 days will expire on November 1, 2019; 60 days will expire on December 1, 2019.

T-Mobile proposes to modify the "ZOD\_ALLTEL\_MTGF\_GREATFALLSW Tower" as follows:

- Extend tower 20'
- Install (6) antennas, (6) RRH on new platform mount with ancillary support equipment and lines.
- In existing compound, install 8'x13.5' steel platform to support (1) cabinet with support equipment, GPS antenna, ice bridge, H-frame with equipment boxes and utility equipment (per plan)

Itemized list of submittal documents:

- Narrative Cover Letter and 6409 Eligibility (this letter)
- Location/Conformance Application
- Variance Request Application with Narrative
- Construction Plan Drawings
- Structural Analysis
- Structural Modification Drawings (tower extension)
- FAA Determination of NO HAZARD



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#### 6409 (Spectrum Act) Eligibility

This Eligible Facilities Request involves an effort to collocate, remove, modify, or replace Transmission Equipment on a Tower for the use of an FCC licensed wireless carrier. The existing Tower meets the Federal Communications Commission ("FCC") definition of a Tower.

The list of equipment identified in the Eligible Facilities Request application that will be collocated, removed or replaced at the Tower also is Transmission Equipment as determined by the FCC. The FCC has defined Transmission Equipment as "any equipment that facilitates transmission for any Commission-licensed or authorized wireless communication service, including, but not limited to, radio transceivers, antennas and other relevant equipment associated with and necessary to their operation, including coaxial or fiber-optic cable, and regular and back-up power supply. This definition includes equipment used in any technological configuration associated with any Commission-authorized wireless transmission, licensed or unlicensed, terrestrial or satellite, including commercial mobile, private mobile, broadcast and public safety services, as well as fixed wireless services such as microwave backhaul or fixed broadband."

The FCC, in a Report and Order adopted on October 17, 2014, determined that any modification to an existing telecommunications Tower that meets the following six criteria does not substantially change the physical dimensions of the existing Tower and therefore is an Eligible Facilities Request, which must be granted:

1. The modifications to the Transmission Equipment do not increase the height of the Tower by twenty feet or ten percent, whichever is greater.
  - *The Request includes an increase in height of 20'*
2. The modifications to the Transmission Equipment do not protrude from the edge of the Tower by twenty feet or more than the width of the Tower (whichever of these two dimensions is greater) at the level where the transmission equipment modifications are made.
  - *The Request does not include protrusions over 20'*
3. The modifications to the Transmission Equipment do not involve the installation of more than the standard number of equipment cabinets for the technology involved, not to exceed four.
  - *The Request does not include more than (4) cabinets*
4. The modifications to the Transmission Equipment do not entail any excavation or deployment outside of the Tower site.
  - *The Request is for T-Mobile's equipment to be placed inside the existing lease area.*
5. The modifications to the Transmission Equipment do not defeat any existing concealment elements of the Tower.
  - *There are no concealment elements for this tower*
6. The modifications to the Transmission Equipment comply with prior conditions of approval of the Tower, unless the non-compliance is due to an increase in height, increase in width, addition of equipment cabinets, or new excavation that does not exceed the corresponding "substantial change" thresholds in numbers 1-4.



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*The non-compliance of the Request is due to an increase in height, which is not considered "substantial change" per Threshold #1.*

T-Mobile is committed to working cooperatively with all jurisdictions around the country to secure expeditious approval of requests to modify existing personal wireless service facilities. If you should require more information regarding the Spectrum Act, please do not hesitate to contact me with your questions.

Sincerely,

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Amelia Meckler  
[Amelia.Meckler@crowncastle.com](mailto:Amelia.Meckler@crowncastle.com)  
(206) 336-2863





Mail Processing Center  
Federal Aviation Administration  
Southwest Regional Office  
Obstruction Evaluation Group  
10101 Hillwood Parkway  
Fort Worth, TX 76177

Aeronautical Study No.  
2019-ANM-4232-OE  
Prior Study No.  
2014-ANM-2087-OE

Issued Date: 07/30/2019

Cassandra Robbins  
Crown Castle - Cassandra Robbins  
2055 S. Stearman Drive  
Chandler, AZ 85286

**\*\* DETERMINATION OF NO HAZARD TO AIR NAVIGATION \*\***

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure:	Antenna Tower 858403 - ZOD_ALLTEL_MTGF_GREATFALLSW
Location:	Great Falls, MT
Latitude:	47-27-50.88N NAD 83
Longitude:	111-21-26.47W
Heights:	3698 feet site elevation (SE) 128 feet above ground level (AGL) 3826 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be e-filed any time the project is abandoned or:

☐ At least 10 days prior to start of construction (7460-2, Part 1)  
☒ Within 5 days after the construction reaches its greatest height (7460-2, Part 2)

Based on this evaluation, marking and lighting are not necessary for aviation safety. However, if marking/lighting are accomplished on a voluntary basis, we recommend it be installed in accordance with FAA Advisory circular 70/7460-1 L Change 2.

This determination expires on 01/30/2021 unless:

- (a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- (b) extended, revised, or terminated by the issuing office.
- (c) the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within 6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.

NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.

This determination is based, in part, on the foregoing description which includes specific coordinates, heights, frequency(ies) and power. Any changes in coordinates, heights, and frequencies or use of greater power, except those frequencies specified in the Colo Void Clause Coalition; Antenna System Co-Location; Voluntary Best Practices, effective 21 Nov 2007, will void this determination. Any future construction or alteration, including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA. This determination includes all previously filed frequencies and power for this structure.

If construction or alteration is dismantled or destroyed, you must submit notice to the FAA within 5 days after the construction or alteration is dismantled or destroyed.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

A copy of this determination will be forwarded to the Federal Communications Commission (FCC) because the structure is subject to their licensing authority.

This determination cancels and supersedes prior determinations issued for this structure.

If we can be of further assistance, please contact our office at (206) 231-2990, or [paul.holmquist@faa.gov](mailto:paul.holmquist@faa.gov). On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2019-ANM-4232-OE.

**Signature Control No: 408260450-413051696**

( DNE )

Paul Holmquist  
Specialist

Attachment(s)  
Frequency Data  
Map(s)

cc: FCC



# Frequency Data for ASN 2019-ANM-4232-OE

LOW FREQUENCY	HIGH FREQUENCY	FREQUENCY UNIT	ERP	ERP UNIT
6	7	GHz	55	dBW
6	7	GHz	42	dBW
10	11.7	GHz	55	dBW
10	11.7	GHz	42	dBW
17.7	19.7	GHz	55	dBW
17.7	19.7	GHz	42	dBW
21.2	23.6	GHz	55	dBW
21.2	23.6	GHz	42	dBW
614	698	MHz	2000	W
614	698	MHz	1000	W
698	806	MHz	1000	W
806	901	MHz	500	W
806	824	MHz	500	W
824	849	MHz	500	W
851	866	MHz	500	W
869	894	MHz	500	W
896	901	MHz	500	W
901	902	MHz	7	W
929	932	MHz	3500	W
930	931	MHz	3500	W
931	932	MHz	3500	W
932	932.5	MHz	17	dBW
935	940	MHz	1000	W
940	941	MHz	3500	W
1670	1675	MHz	500	W
1710	1755	MHz	500	W
1850	1910	MHz	1640	W
1850	1990	MHz	1640	W
1930	1990	MHz	1640	W
1990	2025	MHz	500	W
2110	2200	MHz	500	W
2305	2360	MHz	2000	W
2305	2310	MHz	2000	W
2345	2360	MHz	2000	W
2496	2690	MHz	500	W
5725	5875	MHz	200	W

TOPO Map for ASN 2019-ANM-4232-OE

